

# **Exhibit 1**

## **Subpoena Packets**

**Subpoena Package 1**  
**Alameda Aus Pty Ltd**

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Aus Pty Ltd  
31 Egerton Street  
Silverwater NSW 2128  
Australia

☐ *Testimony*: **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production*: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

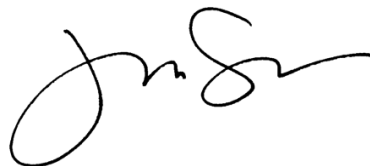
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/15/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:



**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO ALAMEDA AUS PTY LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Alameda Aus Pty Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.



18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

1. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

2. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

3. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

4. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

5. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

6. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

7. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

8. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

9. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

10. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

11. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 2**  
**Alameda Global Services Ltd.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Global Services Ltd.  
Ellen L. Skelton Building, 2nd floor, Fishers Lane  
Road Town VG1110  
British Virgin Islands

☐ *Testimony*: **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production*: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

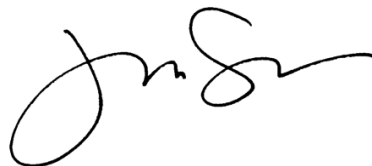
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Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:



**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **Attachment # 1**

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
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cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>2</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO ALAMEDA GLOBAL SERVICES LTD.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>2</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Alameda Global Services Ltd. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.



18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 3**  
**Alameda Research (Bahamas) Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Research (Bahamas) Ltd  
G.K. Symonette Building, Shirley Street  
Nassau, New Providence  
Bahamas

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

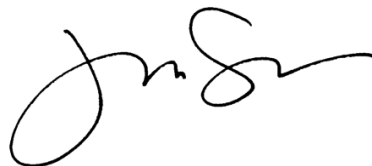
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:



**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **Attachment # 1**

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>3</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO ALAMEDA RESEARCH (BAHAMAS) LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>3</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Alameda Research (Bahamas) Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.



18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 4**  
**Alameda Research Holdings Inc.**

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Research Holdings Inc.  
3500 South Dupont Highway  
Dover, DE 19901

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

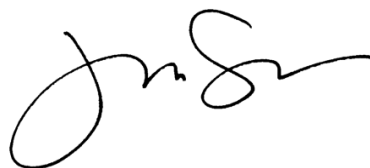
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/15/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
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tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>4</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO ALAMEDA RESEARCH HOLDINGS INC.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>4</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Alameda Research Holdings Inc. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 5**  
**Alameda Research KK**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Research KK  
Minami-Azabu Oak Minami-Azabu Building 2F, 3-19-23  
19 Minamiazabu, Minato City, Tokyo 106-0047  
Japan

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

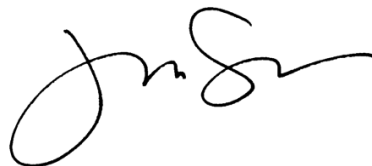
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, NY 10104

Tel: 212-390-9000

Email: jselendy@selendygay.com

fgay@selendygay.com

tagangawilliams@selendygay.com

cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>5</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO ALAMEDA RESEARCH KK**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>5</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Alameda Research KK produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 6**  
**Alameda Research LLC**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT  
Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Research LLC  
3500 South Dupont Highway  
Dover, DE 19901

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>6</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO ALAMEDA RESEARCH LLC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>6</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Alameda Research LLC produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 7**  
**Alameda Research Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Research Ltd  
Tortola Pier Park, Building 1, Second Floor  
Wickhams Cay I, Tortola VG1110  
British Virgin Islands

☐ *Testimony*: **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production*: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

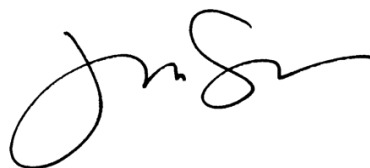
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
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cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>7</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO ALAMEDA RESEARCH LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>7</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Alameda Research Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 8**  
**Alameda Research Pte Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Research Pte Ltd  
1 George Street #10-01  
Singapore 049145  
Singapore

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

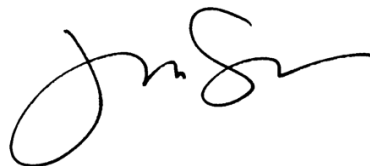
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



## **Attachment # 1**

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
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cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>8</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO ALAMEDA RESEARCH PTE LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

---

<sup>8</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Alameda Research Pte Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 9**  
**Alameda Research Yankari Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda Research Yankari Ltd  
35 Moloney Street, Obalende  
Lagos Island, Lagos 102273  
Nigeria

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

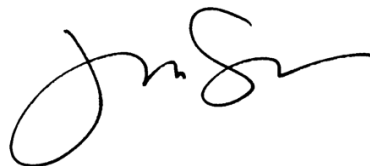
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>9</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO ALAMEDA RESEARCH YANKARI LTD**

Pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the "Local District Rules"), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>9</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Alameda Research Yankari Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

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12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 10**  
**Alameda TR Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda TR Ltd  
Lower Factory Road  
St. John's AG-04  
Antigua and Barbuda

☐ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ **Production:** You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

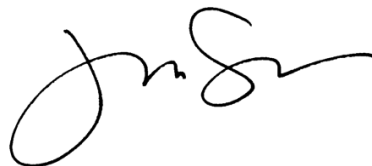
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>10</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO ALAMEDA TR LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>10</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Alameda TR Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 11**  
**Alameda TR Systems S. de R.L.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Alameda TR Systems S. de R.L.  
Oceania Business Plaza, 21st Floor  
Punta Pacifica 0801 Panama City  
Panama

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

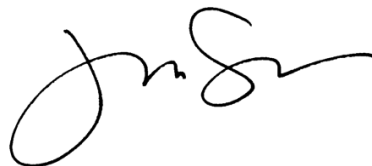
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, NY 10104

Tel: 212-390-9000

Email: jselendy@selendygay.com

fgay@selendygay.com

tagangawilliams@selendygay.com

cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>11</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO ALAMEDA TR SYSTEMS S. DE R. L.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>11</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Alameda TR Systems S. de R. L. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 12**  
**Allston Way Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Allston Way Ltd  
Lower Factory Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

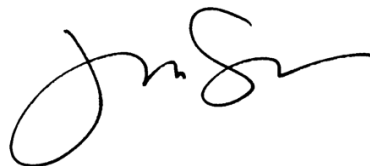
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
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cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>12</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO ALLSTON WAY LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>12</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Allston Way Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 13**  
**Analisa Pte Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Analisya Pte Ltd  
8 Orange Grove Road #06-02  
8 Orange Grove Road #06-02  
Singapore

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

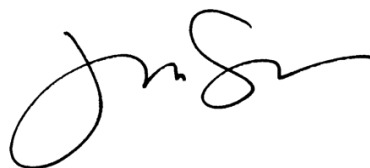
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>13</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO ANALISYA PTE LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>13</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Analisya Pte Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 14**  
**Atlantis Technology Ltd.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Atlantis Technology Ltd.  
Unit 3B, Bryson's Commercial Complex, Friars Hill Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

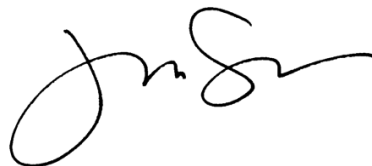
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
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tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>14</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO ATLANTIS TECHNOLOGY LTD.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>14</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Atlantis Technology Ltd. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

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12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

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16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 15**  
**Bancroft Way Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Bancroft Way Ltd  
Lower Factory Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

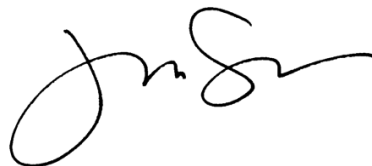
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>15</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO BANCROFT WAY LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

---

<sup>15</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Bancroft Way Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 16**  
**Blockfolio, Inc.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Blockfolio, Inc.  
3500 South Dupont Highway  
Dover, DE 19901

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>16</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO BLOCKFOLIO, INC.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>16</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Blockfolio, Inc. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 17**  
**Blue Ridge Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Blue Ridge Ltd  
Unit 3B, Bryson's Commercial Complex, Friars Hill Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

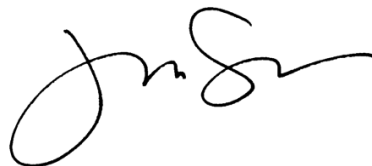
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>17</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO BLUE RIDGE LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>17</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Blue Ridge Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 18**  
**Cardinal Ventures Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Cardinal Ventures Ltd  
Unit 3B, Bryson's Commercial Complex, Friars Hill Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

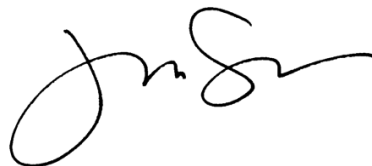
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



## **Attachment # 1**

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>18</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO CARDINAL VENTURES LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>18</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Cardinal Ventures Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 19**  
**Cedar Bay Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Cedar Bay Ltd  
Unit 3B, Bryson's Commercial Complex, Friars Hill Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

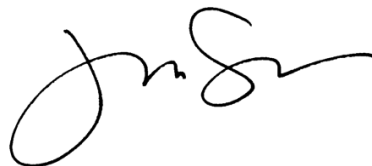
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
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fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>19</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO CEDAR BAY LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Cedar Bay Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

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17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

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- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 20**  
**Cedar Grove Technology Services, Ltd.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Cedar Grove Technology Services, Ltd.  
Unit 3B, Bryson's Commercial Complex, Friars Hill Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

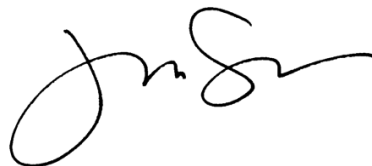
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



## **Attachment # 1**

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>20</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO CEDAR GROVE TECHNOLOGY SERVICES, LTD.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>20</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Cedar Grove Technology Services, Ltd. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 21**  
**Clifton Bay Investments LLC**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Clifton Bay Investments LLC  
3500 South Dupont Highway  
Dover, DE 19901

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>21</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO CLIFTON BAY INVESTMENTS LLC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>21</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Clifton Bay Investments LLC produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jseleudy@selendygay.com](mailto:jseleudy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 22**  
**Clifton Bay Investments Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Clifton Bay Investments Ltd  
Ellen L. Skelton Building, 2nd floor, Fishers Lane  
Road Town VG1110  
British Virgin Islands

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

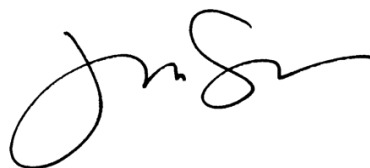
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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Tel: 212-390-9000  
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fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>22</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO CLIFTON BAY INVESTMENTS LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>22</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Clifton Bay Investments Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 23**  
**Cottonwood Grove Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Cottonwood Grove Ltd  
2 Pacific Place, Unit 3532-36 88 Queensway  
Hong Kong Hong Kong

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

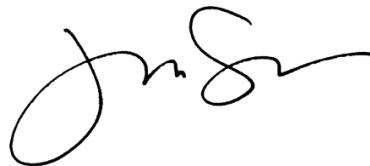
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/15/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>23</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO COTTONWOOD GROVE LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>23</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Cottonwood Grove Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 24**  
**Cottonwood Technologies Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Cottonwood Technologies Ltd  
Lower Factory Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

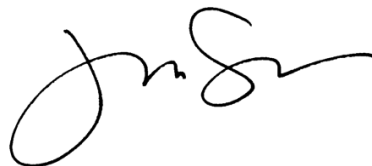
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
  - (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
  - (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>24</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO COTTONWOOD TECHNOLOGIES LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>24</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Cottonwood Technologies Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

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17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

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- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 25**  
**Crypto Bahamas LLC**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Crypto Bahamas LLC  
3500 South Dupont Highway  
Dover, DE 19901

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



## **Attachment # 1**

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>25</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO CRYPTO BAHAMAS LLC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>25</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Crypto Bahamas LLC produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 26**  
**DAAG Trading, DMCC**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: DAAG Trading, DMCC  
Unit 2617 DMCC Business Center Level No. 1, Jewelry & Gemplex 3  
Dubai  
United Arab Emirates

☐ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ **Production:** You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>26</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO DAAG TRADING, DMCC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>26</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that DAAG Trading, DMCC produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 27**  
**Deck Technologies Holdings LLC**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Deck Technologies Holdings LLC  
3500 South Dupont Highway  
Dover, DE 19901

☐ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ **Production:** You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

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(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



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In re:

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**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>27</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO DECK TECHNOLOGIES HOLDINGS LLC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>27</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Deck Technologies Holdings LLC produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 28**  
**Deck Technologies Inc.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Deck Technologies Inc.  
3500 South Dupont Highway  
Dover, DE 19901

☐ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ **Production:** You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

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Faith E. Gay  
Temidayo Aganga-Williams  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>28</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO DECK TECHNOLOGIES INC.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>28</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Deck Technologies Inc. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 29**  
**Deep Creek Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Deep Creek Ltd  
Unit 3B, Bryson's Commercial Complex, Friars Hill Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

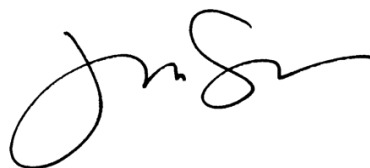
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
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cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>29</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO DEEP CREEK LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

---

<sup>29</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Deep Creek Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 30**  
**Digital Custody Inc.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Digital Custody Inc.  
122 S Phillips Ave, Suite  
250 Sioux Falls, SD 57104

☐ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ **Production:** You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>30</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO DIGITAL CUSTODY INC.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>30</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Digital Custody Inc. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 31**  
**Euclid Way Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Euclid Way Ltd  
Lower Factory Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

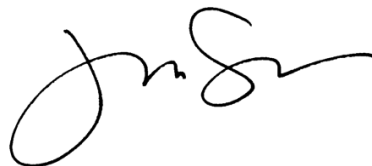
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>31</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO EUCLID WAY LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>31</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Euclid Way Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 32**  
**FTX (Gibraltar) Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX (Gibraltar) Ltd  
Madison Building, Midtown, Queensway  
Gibraltar GX11 1AA  
Gibraltar

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

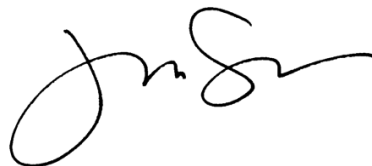
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

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(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

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(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>32</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX (GIBRALTAR) LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>32</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX (Gibraltar) Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.



6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 33**  
**FTX Canada Inc**

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Canada Inc.  
421 7<sup>th</sup> Avenue SW Suite 4000  
Calgary AB  
T2P4k9 Canada

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Temidayo Aganga-Williams, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104  
Tel: 212-390-9000 Email: tagangawilliams@selendygay.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **Attachment # 1**

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>33</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX CANADA INC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>33</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Canada Inc produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 34**  
**FTX Certificates GmbH**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Certificates GmbH  
Churerstrasse 135  
8808 Pfäffikon  
Switzerland

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

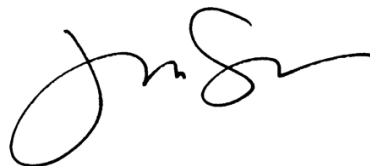
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>34</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX CERTIFICATES GMBH**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

---

<sup>34</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Certificates GmbH produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

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12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

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18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

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- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

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25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

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30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 35**  
**FTX Crypto Services Ltd.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Crypto Services Ltd.  
Spyrou Kyprianou 23, 3rd Floor  
Limassol 4001  
Cyprus

☐ *Testimony*: **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production*: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

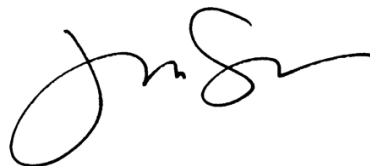
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>35</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX CRYPTO SERVICES LTD.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>35</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Crypto Services Ltd. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 36**  
**FTX Digital Assets LLC**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT  
Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Digital Assets LLC  
60 Broad St., Suite 2501  
New York, NY 10004

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
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tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>36</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX DIGITAL ASSETS LLC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>36</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Digital Assets LLC produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 37**  
**FTX Digital Holdings (Singapore) Pte Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Digital Holdings (Singapore) Pte Ltd  
#11 Marina Bay Financial Centre 8 Marina Boulevard  
Singapore 018981  
Singapore

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

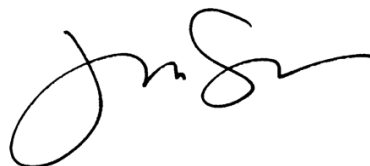
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

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(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

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(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

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(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>37</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX DIGITAL HOLDINGS (SINGAPORE) PTE LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>37</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Digital Holdings (Singapore) Pte Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 38**  
**FTX EMEA Ltd.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX EMEA Ltd.  
Spyrou Kyprianou 23, 3rd Floor  
Limassol 4001  
Cyprus

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

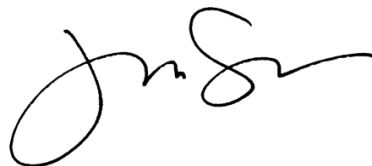
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>38</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX EMEA LTD.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>38</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX EMEA Ltd. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 39**  
**FTX Equity Record Holdings Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Equity Record Holdings Ltd  
F20 Eden Plaza 1st floor  
Eden Island  
Seychelles

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

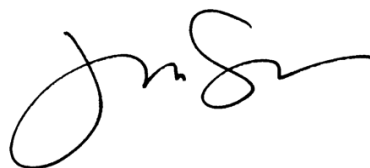
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **Attachment # 1**

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
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cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>39</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX EQUITY RECORD HOLDINGS LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

---

<sup>39</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Equity Record Holdings Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 40**  
**FTX EU Ltd.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX EU Ltd.  
Churerstrasse 135  
8808 Pfäffikon  
Switzerland

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

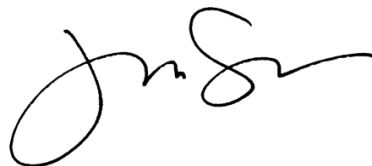
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>40</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX EU LTD.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>40</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX EU Ltd. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 41**  
**FTX Europe AG**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Europe AG  
Churerstrasse 135  
8808 Pfäffikon  
Switzerland

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

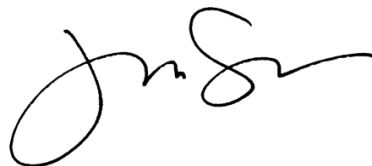
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
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fgay@selendygay.com  
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cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>41</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX EUROPE AG**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>41</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Europe AG produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

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[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 42**  
**FTX Exchange FZE**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Exchange FZE  
c/o FTX Europe AG Churerstrasse 135  
8808 Pfäffikon  
United Arab Emirates

☐ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ **Production:** You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

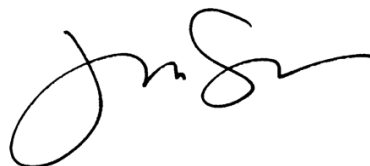
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

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(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

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(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

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(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

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**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>42</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX EXCHANGE FZE**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>42</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Exchange FZE produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

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[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 43**  
**FTX Hong Kong Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Hong Kong Ltd  
135 Bonham Strand Trade Center  
Sheung Wan, Hong Kong  
Hong Kong

☐ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ **Production:** You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

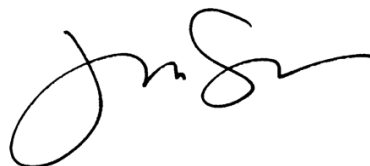
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **Attachment # 1**

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>43</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX HONG KONG LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>43</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Hong Kong Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

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New York, New York 10104

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[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 44**  
**FTX Japan Holdings K.K.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Japan Holdings K.K.  
3 Chrome-17 Nishikicho Kanda, Chiyoda City  
Hirose Building 4F  
Tokyo 1010054  
Japan

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

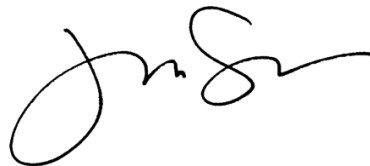
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/15/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **Attachment # 1**

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>44</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX JAPAN HOLDINGS K.K.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>44</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Japan Holdings K.K. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

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[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 45**  
**FTX Japan K.K.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Japan K.K.  
3 Chrome-17 Nishikicho Kanda, Chiyoda City Hirose Building 4F  
Tokyo 1010054  
Japan

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

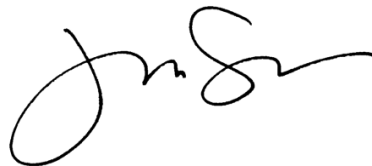
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/15/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **Attachment # 1**

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>45</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX JAPAN K.K.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>45</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Japan K.K. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 46**  
**FTX Japan Services KK**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Japan Services KK  
3 Chrome-17 Nishikicho Kanda, Chiyoda City Hirose Building 4F  
Tokyo 1010054  
Japan

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

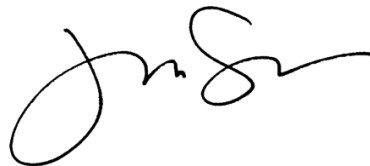
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/15/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **Attachment # 1**

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>46</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX JAPAN SERVICES KK**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>46</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Japan Services KK produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 47**  
**FTX Lend Inc.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT  
Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Lend Inc.  
167 N Green Street, Suite 1102  
Chicago, IL 60607

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>47</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX LEND INC.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>47</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Lend Inc. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

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[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 48**  
**FTX Marketplace, Inc.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Marketplace, Inc.  
167 N Green Street, Suite 1102  
Chicago, IL 60607

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues Subpoenas Duce Tecum Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>48</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX MARKETPLACE, INC.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>48</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Marketplace, Inc. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

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New York, New York 10104

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 49**  
**FTX Products (Singapore) Pte Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Products (Singapore) Pte Ltd  
1 George Street #10-11  
Singapore 049145  
Singapore

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

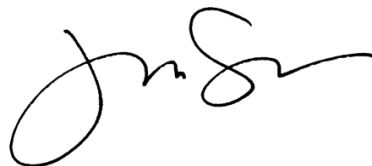
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>49</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX PRODUCTS (SINGAPORE) PTE LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

---

<sup>49</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Products (Singapore) Pte Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

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12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 50**  
**FTX Property Holdings Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Property Holdings Ltd  
G.K. Symonette Building, Shirley Street  
Nassau, New Providence  
Bahamas

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

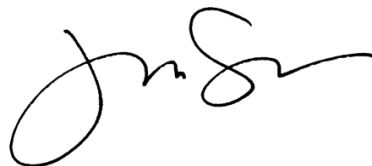
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>50</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX PROPERTY HOLDINGS LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>50</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Property Holdings Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 51**  
**FTX Services Solutions Ltd.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Services Solutions Ltd.  
Ellen L. Skelton Building, 2nd floor, Fishers Lane  
Road Town VG1110  
British Virgin Islands

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

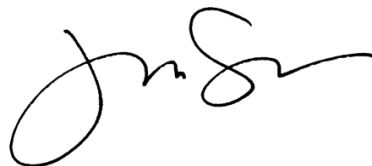
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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New York, NY 10104  
Tel: 212-390-9000  
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fgay@selendygay.com  
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cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX SERVICES SOLUTIONS LTD.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Services Solutions Ltd. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

1. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

2. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

3. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



4. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

5. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

6. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

7. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

8. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

9. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

10. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

11. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

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[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 52**  
**FTX Structured Products AG**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Structured Products AG  
13 Schaanerstrasse  
Vaduz 9490  
Liechtenstein

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

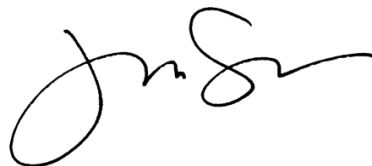
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

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(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

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(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>2</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX STRUCTURED PRODUCTS AG**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>2</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Structured Products AG produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 53**  
**FTX Switzerland GmbH**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Switzerland GmbH  
Churerstrasse 135  
8808 Pfäffikon  
Switzerland

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

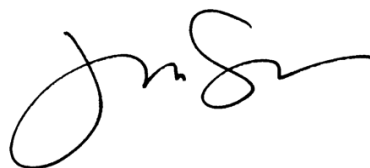
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>3</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX SWITZERLAND GMBH**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>3</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Switzerland GmbH produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 54**  
**FTX Trading GmbH**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Trading GmbH  
63 Wulfeler Straße  
30539 Hannover  
Germany

☐ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ **Production:** You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

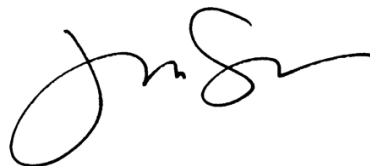
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>4</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX TRADING GMBH**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

---

<sup>4</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Trading GmbH produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

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13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

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- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

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[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 55**  
**FTX Trading Ltd.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Trading Ltd.  
10-11 Mandolin Place, Friars Hill Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

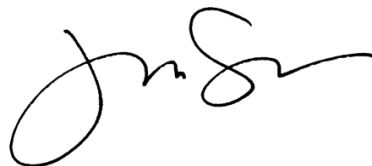
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>5</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX TRADING LTD.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>5</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Trading Ltd. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 56**  
**FTX US Services, Inc.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX US Services, Inc.  
167 N Green Street, Suite 1102  
Chicago, IL 60607

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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New York, NY 10104  
Tel: 212-390-9000  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>7</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX US SERVICES, INC.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>7</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX US Services, Inc. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 57**  
**FTX US Trading, Inc.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX US Trading, Inc.  
2000 Center Street, 4th Floor  
Berkeley, CA 94704

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

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(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

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(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

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UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>8</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX US TRADING, INC.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>8</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX US Trading, Inc. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 58**  
**FTX Ventures Ltd.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Ventures Ltd.  
Ellen L. Skelton Building, 2nd floor, Fishers Lane  
Road Town VG1110  
British Virgin Islands

☐ *Testimony*: **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production*: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

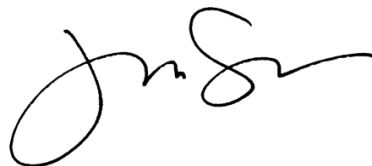
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>9</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX VENTURES LTD.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>9</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Ventures Ltd. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 59**  
**FTX Zuma Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: FTX Zuma Ltd  
35 Moloney Street, Obalende  
Lagos Island, Lagos 102273  
Nigeria

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

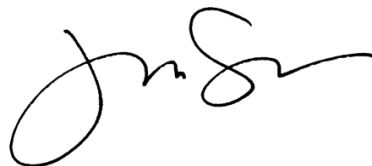
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>10</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO FTX ZUMA LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

---

<sup>10</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that FTX Zuma Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

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12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

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- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 60**  
**GG Trading Terminal Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: GG Trading Terminal Ltd  
70 Sir John Rogerson's Quay  
Dublin D02R296  
Ireland

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

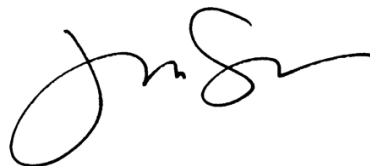
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>11</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO GG TRADING TERMINAL LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>11</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that GG Trading Terminal Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 61**  
**Global Compass Dynamics Ltd.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Global Compass Dynamics Ltd.  
Unit 3B, Bryson's Commercial Complex, Friars Hill Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

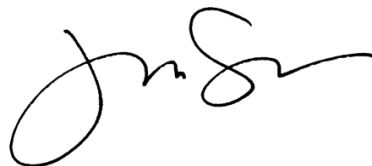
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>12</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO GLOBAL COMPASS DYNAMICS LTD.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>12</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Global Compass Dynamics Ltd. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 62**  
**Good Luck Games, LLC**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Good Luck Games, LLC  
167 N Green Street, Suite 1102  
Chicago, IL 60607

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

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**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

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(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

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UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>13</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO GOOD LUCK GAMES, LLC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>13</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Good Luck Games, LLC produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 63**  
**Goodman Investments Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Goodman Investments Ltd  
Trinity Chambers PO Box 4301  
Road Town, Tortola VG 1110  
British Virgin Islands

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

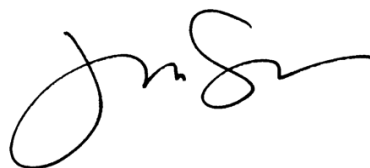
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...  
(g) **Contempt.** The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>14</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO GOODMAN INVESTMENTS LTD.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>14</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Goodman Investments Ltd. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 64**  
**Hannam Group Inc**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Hannam Group Inc  
Changjin-dong, Tower 8, 7, Jongno 5-gil  
Jongno-gu, Seoul  
Korea

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

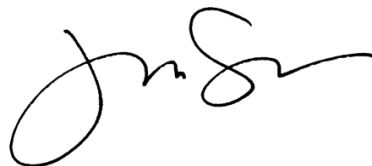
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>15</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO HANNAM GROUP INC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

---

<sup>15</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Hannam Group Inc produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 65**  
**Hawaii Digital Assets Inc.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT  
Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Hawaii Digital Assets Inc.  
167 N Green Street, Suite 1102  
Chicago, IL 60607

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>16</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO HAWAII DIGITAL ASSETS INC.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>16</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Hawaii Digital Assets Inc. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 66**  
**Hilltop Technology Services LLC**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT  
Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Hilltop Technology Services LLC  
3500 South Dupont Highway  
Dover, DE 19901

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>17</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO HILLTOP TECHNOLOGY SERVICES LLC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>17</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Hilltop Technology Services LLC produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.



23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.

Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 67**  
**Hive Empire Trading Pty Ltd**

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Hive Empire Trading Pty Ltd  
c/o FTX Trading Ltd. 10-11 Mandolin Place, Friars Hill Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

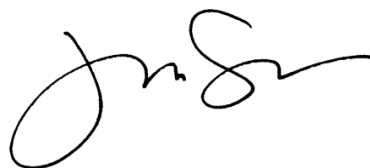
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/15/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

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**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
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fgay@selendygay.com  
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cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>18</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO HIVE EMPIRE TRADING PTY LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>18</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Hive Empire Trading Pty Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 68**  
**Innovatia Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Innovatia Ltd  
Karpenisiou 30  
Nicosia 1077  
Cyprus

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

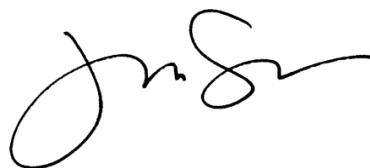
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>19</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO INNOVATIA LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>19</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Innovatia Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

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New York, New York 10104

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[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 69**  
**Island Bay Ventures Inc**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT  
Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Island Bay Ventures Inc  
3500 South Dupont Highway  
Dover, DE 19901

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>20</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO ISLAND BAY VENTURES INC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

---

<sup>20</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Island Bay Ventures Inc produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

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12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

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- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 70**  
**Killarney Lake Investments Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Killarney Lake Investments Ltd  
Ellen L. Skelton Building, 2nd floor Fishers Lane, P.O. Box 681  
Road Town VG1110  
British Virgin Islands

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

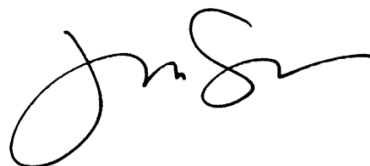
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>21</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO KILLARNEY LAKE INVESTMENTS LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>21</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Killarney Lake Investments Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 71**  
**Ledger Holdings Inc.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT  
Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Ledger Holdings Inc.  
1110 Brickell Ave, Suite 430k-200  
Miami, FL 33131

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>22</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO LEDGER HOLDINGS INC.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>22</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Ledger Holdings Inc. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 72**

**LedgerPrime Bitcoin Yield Enhancement Fund,  
LLC**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: LedgerPrime Bitcoin Yield Enhancement Fund, LLC  
c/o Harneys Fiduciary (Cayman) Ltd 4th Floor, Harbour Place, 103 South Church Street  
George Town KY1-1002 Cayman Islands  
Cayman Islands

☐ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ **Production:** You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

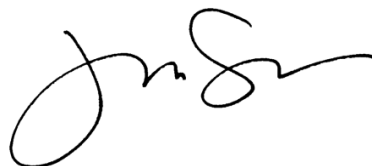
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

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(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

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(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

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(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **Attachment # 1**

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>23</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO LEDGERPRIME BITCOIN YIELD ENHANCEMENT FUND, LLC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>23</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that LedgerPrime Bitcoin Yield Enhancement Fund, LLC produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 73**

**LedgerPrime Bitcoin Yield Enhancement Master  
Fund LP**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: LedgerPrime Bitcoin Yield Enhancement Master Fund LP  
c/o Harneys Fiduciary (Cayman) Ltd 4th Floor, Harbour Place, 103 South Church Street  
George Town KY1-1002 Cayman Islands  
Cayman Islands

☐ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ **Production:** You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

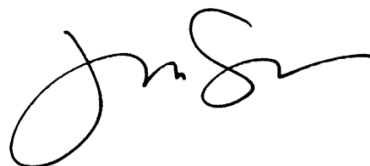
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/15/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

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Temidayo Aganga-Williams  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>24</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO LEDGERPRIME BITCOIN YIELD ENHANCEMENT MASTER FUND, LP**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>24</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that LedgerPrime Bitcoin Yield Enhancement Master Fund, LP produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 74**

**LedgerPrime Digital Asset Opportunities Fund,  
LLC**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT  
Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

**SUBPOENA FOR RULE 2004 EXAMINATION**

To: LedgerPrime Digital Asset Opportunities Fund, LLC  
c/o United Corporate Services Inc.  
874 Walker Rd, Suite C Dover, DE 19901

☐ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ **Production:** You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>25</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO LEDGERPRIME DIGITAL ASSET OPPORTUNITIES FUND, LLC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>25</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that LedgerPrime Digital Asset Opportunities Fund, LLC produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 75**

**LedgerPrime Digital Asset Opportunities Master  
Fund LP**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: LedgerPrime Digital Asset Opportunities Master Fund LP  
c/o Harneys Fiduciary (Cayman) Ltd 4th Floor, Harbour Place, 103 South Church Street  
George Town KY1-1002 Cayman Islands  
Cayman Islands

☐ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ **Production:** You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

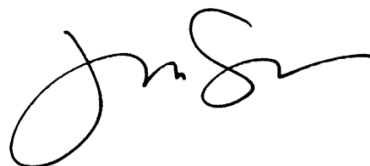
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>26</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO LEDGERPRIME DIGITAL ASSET OPPORTUNITIES MASTER FUND LP**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>26</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that LedgerPrime Digital Asset Opportunities Master Fund LP produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 76**  
**LedgerPrime LLC**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT  
Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: LedgerPrime LLC  
1209 Orange St Corporation Trust Center  
Wilmington, DE 19901

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
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fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>27</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO LEDGERPRIME LLC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>27</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that LedgerPrime LLC produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 77**  
**LedgerPrime Ventures, LP**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: LedgerPrime Ventures, LP  
4th Floor, Harbour Place, 103 South Church Street  
George Town KY1-1002  
Cayman Islands

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

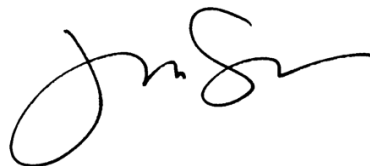
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

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(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

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(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

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(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>28</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO LEDGERPRIME VENTURES, LP**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>28</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that LedgerPrime Ventures, LP produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 78**  
**Liquid Financial USA Inc.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Liquid Financial USA Inc.  
c/o FTX Japan Holdings K.K. 3 Chrome-17 Nishikicho Kanda, Chiyoda City  
Hirose Building 4F  
Tokyo 1010054  
Japan

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>29</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO LIQUID FINANCIAL USA INC.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>29</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Liquid Financial USA Inc. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

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[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 79**  
**Liquid Securities Singapore Pte Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Liquid Securities Singapore Pte Ltd  
30 Cecil Street #19-08 Prudential Tower  
Singapore 049712  
Singapore

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

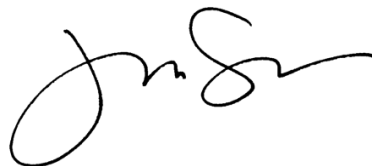
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>30</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO LIQUID SECURITIES SINGAPORE PTE LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

---

<sup>30</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Liquid Securities Singapore Pte Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

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13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

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- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 80**  
**LiquidEX LLC**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: LiquidEX LLC  
c/o FTX Japan Holdings K.K. 3 Chrome-17 Nishikicho Kanda, Chiyoda City  
Hirose Building 4F  
Tokyo 1010054  
Japan

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

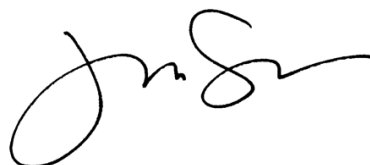
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/15/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>31</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO LIQUIDEX LLC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>31</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that LiquidEX LLC produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 81**  
**LT Baskets Ltd.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: LT Baskets Ltd.  
Lower Factory Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

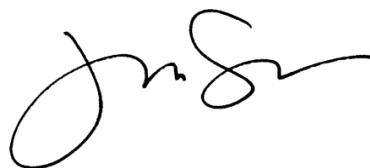
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>32</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO LT BASKETS LTD.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>32</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that LT Baskets Ltd. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 82**  
**Maclaurin Investments Ltd.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Maclaurin Investments Ltd.  
F20 Eden Plaza 1st Floor  
Eden Island  
Seychelles

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

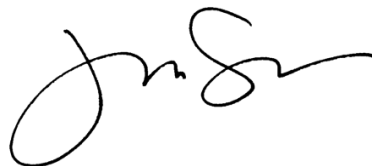
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

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(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

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(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

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(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>33</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO MACLAURIN INVESTMENTS LTD.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>33</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Maclaurin Investments Ltd. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 83**  
**Mangrove Cay Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Mangrove Cay Ltd  
Unit 3B, Bryson's Commercial Complex, Friars Hill Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

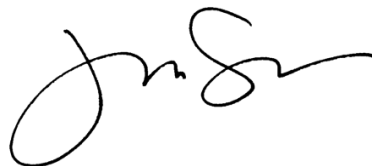
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **Attachment # 1**

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>34</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO MANGROVE CAY LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>34</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Mangrove Cay Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

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New York, New York 10104

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[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 84**  
**North Dimension Inc**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT  
Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: North Dimension Inc  
3500 South Dupont Highway  
Dover, DE 19901

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>35</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO NORTH DIMENSION INC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

---

<sup>35</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that North Dimension Inc produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 85**  
**North Dimension Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: North Dimension Ltd  
Tortola Pier Park, Building 1, Second Floor  
Wickhams Cay I, Tortola VG1110  
British Virgin Islands

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

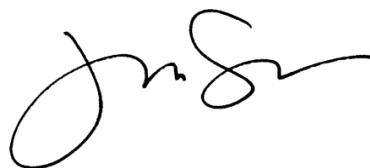
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>36</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO NORTH DIMENSION LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>36</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that North Dimension Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 86**  
**North Wireless Dimension Inc.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT  
Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: North Wireless Dimension Inc.  
Jacob Simmons, 1191 2nd Ave 10th Floor  
Seattle, WA 98101

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **Attachment # 1**

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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New York, NY 10104  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>37</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO NORTH WIRELESS DIMENSION INC.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>37</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that North Wireless Dimension Inc. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

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[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 87**  
**Paper Bird Inc**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT  
Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Paper Bird Inc  
3500 South Dupont Highway  
Dover, DE 19901

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

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(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
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tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>38</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO PAPER BIRD INC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>38</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Paper Bird Inc produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 88**  
**Pioneer Street Inc.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT  
Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Pioneer Street Inc.  
167 N Green Street, Suite 1102  
Chicago, IL 60607

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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New York, NY 10104  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>39</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO PIONEER STREET INC.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>39</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Pioneer Street Inc. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

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[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 89**  
**Quoine India Pte Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Quoine India Pte Ltd  
F-143 Richmond Park DLF City  
Phase-4 Gurugram 122009  
India

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

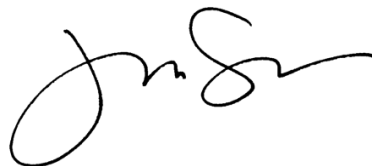
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>40</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO QUOINE INDIA PTE LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

---

<sup>40</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Quoine India Pte Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
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- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 90**  
**Quoine Pte Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Quoine Pte Ltd  
8 Orange Grove Road  
Singapore 258342  
Singapore

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

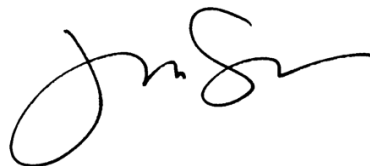
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>41</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO QUOINE PTE LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>41</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Quoine Pte Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 91**  
**Quoine Vietnam Co. Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Quoine Vietnam Co. Ltd  
Empress Tower, 138-142 Hai Ba Trung Street  
Da Kao Ward, District 1, Ho Chi Minh City  
Vietnam

☐ *Testimony*: **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production*: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

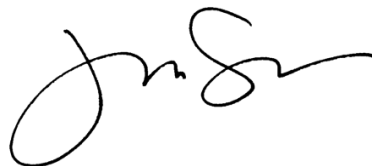
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>42</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO QUOINE VIETNAM CO. LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>42</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Quoine Vietnam Co. Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 92**  
**Strategy Ark Collective Ltd.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Strategy Ark Collective Ltd.  
Unit 3B, Bryson's Commercial Complex, Friars Hill Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

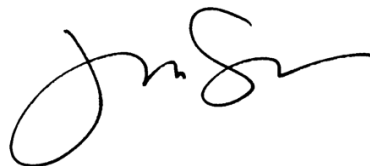
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/15/2023

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

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(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
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cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>44</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO STRATEGY ARK COLLECTIVE LTD.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

---

<sup>44</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Strategy Ark Collective Ltd. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 12, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 93**  
**Technology Services Bahamas Limited**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Technology Services Bahamas Limited  
Johnny Cake Ln  
Marsh Harbour, Abaco  
Bahamas

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

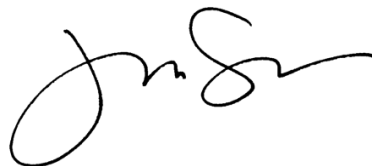
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>45</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO TECHNOLOGY SERVICES BAHAMAS LIMITED**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

---

<sup>45</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Technology Services Bahamas Limited produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 94**  
**Verdant Canyon Capital LLC**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT  
Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Verdant Canyon Capital LLC  
3500 South Dupont Highway  
Dover, DE 19901

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>46</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO VERDANT CANYON CAPITAL LLC**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>46</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Verdant Canyon Capital LLC produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 95**  
**Western Concord Enterprises Ltd.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Western Concord Enterprises Ltd.  
Unit 3B, Bryson's Commercial Complex, Friars Hill Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

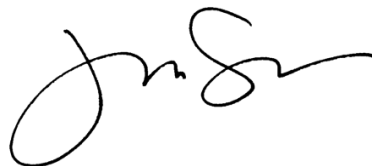
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO WESTERN CONCORD ENTERPRISES LTD.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Western Concord Enterprises Ltd. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

1. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

2. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

3. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

4. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

5. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

6. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

7. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

8. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

9. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

10. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

11. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 96**  
**West Innovative Barista Ltd.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: West Innovative Barista Ltd.  
Unit 3B, Bryson's Commercial Complex, Friars Hill Road  
St. John's AG-04  
Antigua and Barbuda

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

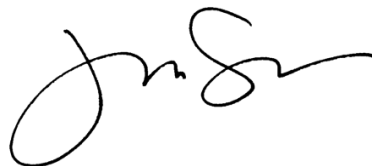
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

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New York, NY 10104

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cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>47</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO WEST INNOVATIVE BARISTA LTD.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>47</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that West Innovative Barista Ltd. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 97**

**West Realm Shires Financial Services Inc.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT  
Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: West Realm Shires Financial Services Inc.  
166 N Green Street Suite 1101  
Chicago, IL 60607

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>48</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO WEST REALM SHIRES FINANCIAL SERVICES INC.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>48</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that West Realm Shires Financial Services Inc. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

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Temidayo Aganga-Williams

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1290 Avenue of the Americas

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*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 98**  
**West Realm Shires Inc.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT  
Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: West Realm Shires Inc.  
167 N Green Street, Suite 1102  
Chicago, IL 60607

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
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*Co-Counsel to the Official Committee of Unsecured Creditors*

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SOUTHERN DISTRICT OF NEW YORK

In re:

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Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO WEST REALM SHIRES INC.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that West Realm Shires Inc. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

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17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

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[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 99**  
**West Realm Shires Services Inc.**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT  
Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: West Realm Shires Services Inc.  
167 N Green Street, Suite 1102  
Chicago, IL 60607

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

  
\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Attachment # 1

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy  
Faith E. Gay  
Temidayo Aganga-Williams  
Claire O'Brien  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: 212-390-9000  
Email: jselendy@selendygay.com  
fgay@selendygay.com  
tagangawilliams@selendygay.com  
cobrien@selendygay.com

*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>50</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO WEST REALM SHIRES SERVICES INC.**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>50</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that West Realm Shires Services Inc. produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

---

**SELENDY GAY ELSBERG PLLC**

Jennifer M. Selendy

Faith E. Gay

Temidayo Aganga-Williams

Claire O'Brien

1290 Avenue of the Americas

New York, New York 10104

Tel.: 212-390-9000

[jselendy@selendygay.com](mailto:jselendy@selendygay.com)

[fgay@selendygay.com](mailto:fgay@selendygay.com)

[tagangawilliams@selendygay.com](mailto:tagangawilliams@selendygay.com)

[cobrien@selendygay.com](mailto:cobrien@selendygay.com)

*Co-Counsel to the Official Committee of  
Unsecured Creditors*

**Subpoena Package 100**  
**Zubr Exchange Ltd**

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

# UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re CELSIUS NETWORK LLC, et al.,  
Debtor

Case No. 22-10964 (MG)

Chapter 11

## SUBPOENA FOR RULE 2004 EXAMINATION

To: Zubr Exchange Ltd  
Glacias Road  
Gibraltar GX11 1AA  
Gibraltar

☐ *Testimony*: **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☒ *Production*: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Please see the attached requests for the production of documents.

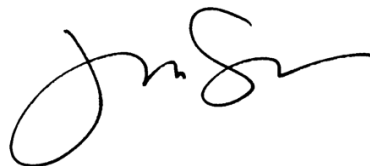
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **05/15/2023**

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



\_\_\_\_\_  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing The Official Committee of Unsecured Creditors who issues or requests this subpoena, are:

Jennifer M. Selendy, Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, New York 10104 Tel: 212-390-9000 Email: [jselendy@selendygay.com](mailto:jselendy@selendygay.com)

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the

inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **Attachment # 1**

***Ex Parte Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Official Committee of Unsecured Creditors to Issues *Subpoenas Duce Tecum* Upon the FTX Debtors”).***

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**EX PARTE ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE  
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO ISSUE SUBPOENAS  
 DUCES TECUM UPON THE FTX DEBTORS**

Upon the ex-parte application (the “Application”) the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned Chapter 11 cases (collectively, the “Chapter 11 Cases”), for an order, pursuant to section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York, authorizing the Committee to issue subpoenas *duces tecum* (each a “Subpoena,” collectively, the “Subpoenas”) upon the FTX Debtors;<sup>2</sup> and the Court having found that it has jurisdiction over the Application; and the Application being a core proceeding; and venue of this proceeding and the Application being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Application is in the best interest of the Debtors’ estates, their creditors and other parties in interest; and no notice of the relief sought in the

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> “FTX Debtors” refers to the entities that have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the jointly administered cases styled *In re FTX Trading Ltd., et al.*, No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.



Application being required or necessary; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Application is granted; and it is further

**ORDERED**, that pursuant to Bankruptcy Rules 2004 and 9016, the Committee shall be, and hereby is authorized to serve the Subpoenas upon the FTX Debtors; and it is further

**ORDERED**, that the FTX Debtors are directed to either timely comply with the terms of this Order and any Subpoenas issued to them or make an appropriate motion for a protective order or to quash any Subpoenas; and it is further

**ORDERED**, that unless otherwise ordered by this Court, no Subpoena shall seek the production or inspection of documents or things on less than fourteen (14) days' notice; and it is further

**ORDERED**, that the terms and conditions of this Order are immediately effective and enforceable upon its entry; and it is further

**ORDERED**, that this Order is without prejudice to the rights of the Committee to apply for further discovery from any party or other entity or person; and it is further

**ORDERED**, that this Court shall retain jurisdiction to interpret, implement, and enforce the terms and provisions of this Order, including adjudicating any discovery disputes that may arise between or among the parties.

**IT IS SO ORDERED.**

Dated: May 11, 2023  
New York, New York

/s/ Martin Glenn  
MARTIN GLENN  
Chief United States Bankruptcy Judge

## **Attachment # 2**

### ***Discovery Requests***

**SELENDY GAY ELSBERG PLLC**

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*Co-Counsel to the Official Committee of Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

CELSIUS NETWORK, *et al.*,<sup>2</sup>

Debtors.

Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' DISCOVERY REQUESTS  
TO ZUBR EXCHANGE LTD**

Pursuant to Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”) 2004 and 9016, Rule 26.3 of the Local Rules of the United States District Courts of the Southern and Eastern Districts of New York (the “Local District Rules”), made applicable to this matter by Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), and the *Ex Parte Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing The Official*

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<sup>2</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 USA LLC (9450); GK8 Ltd. (1209); and GK8 UK Limited (0893). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

*Committee Of Unsecured Creditors To Issue Subpoenas Duces Tecum Upon The FTX Debtors*, Docket No. 2626, the Official Committee of Unsecured Creditors of Celsius Network LLC, et al. (the “Committee”), by and through its undersigned counsel, hereby requests that Zubr Exchange Ltd produce documents in response to the requests below within 14 days of service to the Committee’s attorneys Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104.

**DOCUMENT REQUESTS DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person’s agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity’s present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; and (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. “All,” “any,” and “each” mean any and all.
6. “And” and “or” are construed both conjunctively and disjunctively.
7. “Associated with” includes, but is not limited to, “affiliated with,” “corresponding to,” “owned by,” “controlled by,” and “operated by.”
8. “CEL Token” means the ERC-20 token deployed on the Ethereum blockchain identified as CEL.

9. “Document(s)” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

10. “FTX Debtors” means entities that have filed voluntary petitions under chapter 11 of title 11 of the United States Code in the jointly-administered cases styled *In re: FTX TRADING LTD.*, et al., No. 22-11068 (Bankr. D. Del.), a list of which can be found under “List of Debtors” at <https://restructuring.ra.kroll.com/FTX/Home-Index>.

11. “FTX Exchange” means the digital asset exchange(s) and related digital asset trading platform(s) founded by Sam Bankman-Fried, Gary Wang, and Nishad Singh and operated by the FTX Debtors and certain of their non-debtor affiliates.

12. “FTX User Account” means a user account registered with the FTX Exchange.

13. “Futures Contract” means an agreement to buy or sell a digital asset available to transact in on FTX Exchange in the future at a predetermined price.

14. “Identify” has the meaning afforded to it by Local District Rule 26.3, made applicable to this matter by Local Bankruptcy Rule 7026-1.

15. “Including” means including but not limited to.

16. “Know Your Customer Information” means information provided to the FTX Exchange when an FTX User Account is registered, information provided to the FTX Exchange on an ongoing basis about the individual or entity to whom the FTX User Account is registered, information obtained by the FTX Exchange from third parties about the individual or entity to whom the FTX User Account is registered, and information provided to the FTX Exchange about the individual or entity to whom the FTX User Account is registered through any other diligence efforts.

17. “FTX Address” means a blockchain address associated with an FTX User Account.

18. “Identified FTX Addresses” means the following FTX Addresses, and, for the avoidance of doubt, each is an “Identified FTX Address”:

- a. 0xd84c82dcfb21572b68339f14453bfe39fdc81f74
- b. 0x2be52c6e141a314778b5ea702e8a9dc87b42d126
- c. 0xe78f531e2904fd35cb1429f3d72e9dcddaaeb87a
- d. 0x44f73a35b995c7a55864209468925bf450cf0a00
- e. 0x1785904b28ad668b4778618f749db6b4a04472ed
- f. 0xd7cf4d9176519142bf64111d713d3f85cdff1b67
- g. 0x35065ff705bf0dd0d1f5a99a9df85dc5dd40f046
- h. 0xb4e872704625ea0f69f95c856ad49aff44da2ba4
- i. 0x9ae84342a3cf5587dd9110a461f2f4813cd98a15
- j. 0x6ba3f5617cd50c36b118bf94ab5c33e03686ad49

19. “You” and “Your” means and refers to any or all the FTX Debtors.

### **INSTRUCTIONS**

The preceding Definitions apply to each of these Instructions and for purposes of these Requests, the following Instructions shall be followed:

- 1. These Requests seek production of material in Your possession, custody, or control.
- 2. These Requests seek production of nonprivileged material.
- 3. For each Request, either state that You will produce the requested material or state with specificity the grounds for objecting to the Request, including the reasons.
- 4. If You object to all or part of a Request, state whether You are withholding any responsive material based on that objection.
- 5. If You object to part of a Request, specify the part and state that You will produce documents responsive to the rest.

6. If You withhold responsive information by claiming that the information is privileged or subject to protection as trial-preparation material, expressly make the claim and describe the nature of the information privileged or protected in a manner that, without revealing information itself privileged or protected, will enable Plaintiffs to assess the claim. For each Document You withhold as privileged, provide in writing (a) the type of document (e.g., letter or memorandum); (b) the general subject matter of the Document; (c) the date of the document; (d) the author, addresses, and any other recipients of the Document; (e) where not apparent, the relationships of the author, addressees, and recipients to each other; (f) the nature of the privilege being claimed.

7. If after responding to any Request You learn that Your response is in some material respect incomplete or incorrect, supplement or correct Your response in a timely manner.

#### **RELEVANT TIME PERIOD**

Unless otherwise specified, these Requests cover the time period from and including May 1, 2019 through the present.

#### **REQUESTS**

20. Documents sufficient to identify the FTX User Account(s) associated with each Identified FTX Address.

21. Documents sufficient to identify the entity or individual associated with each FTX User Account identified in response to Request No. 1, including all Know Your Customer Information for each such entity or individual.

22. Documents sufficient to identify all FTX User Account(s) associated with any entity or individual identified in response to Request No. 2, other than FTX User Accounts identified in response to Request No. 1.

23. Documents sufficient to identify all FTX Address(es) associated with each FTX User Account identified in response to Request No. 1 and Request No. 3, other than the Identified FTX Addresses.

24. Documents sufficient to show when each FTX User Account identified in response to Request No. 1 and Request No. 3 was created and, where applicable, closed.

25. Documents sufficient to show a complete transaction history for each FTX User Account identified in response to Request No. 1 and Request No. 3.

26. Documents sufficient to show all short positions with respect to the CEL Token on an FTX Exchange from April 1, 2022 to August 30, 2022.

27. Documents sufficient to identify the FTX Address(es) associated with each short position identified in response to Request No. 7.

28. Documents sufficient to identify the FTX User Account(s) associated with each FTX Address identified in response to Request No. 8.

29. Documents sufficient to identify the entity or individual associated with each FTX User Account relating to Request No. 8, including all Know Your Customer Information for each such entity or individual.

30. Documents sufficient to show all borrow or loan transactions associated with the positions identified in response to Request No. 7.



Dated: May 15, 2023

*/s/ Jennifer M. Selendy*

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